

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ROSE COULTER-OWENS,
individually, and on behalf of all others
similarly situated,

Plaintiff,

v.

TIME INC., a Delaware Corporation,

Defendant.

Case No. 2:12-cv-14390-GCS-MKM

Hon. George C. Steeh

DECLARATION OF ARI J. SCHARG

I, Ari J. Scharg, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an adult over the age of 18 and a resident of the State of Illinois. I am a partner at the law firm of Edelson PC, which has been retained to represent Plaintiff Rose Coulter-Owens (“Plaintiff”) in this matter and I am admitted to practice before this Court. I make this Declaration in support of Plaintiff’s Reply in support of her Motion for and Memorandum in Support of Class Certification, and am fully competent to do so. I have personal knowledge of all matters set forth herein unless otherwise indicated, and, if called upon to testify, I could and would competently do so.

“Do Not Promote” and “Donor or Giftee” Subscription Status

2. Attached hereto as Exhibit 1 is a true and accurate copy of excerpt screenshots from Acxiom’s “Source File Workbook” spreadsheet. Time produced this document in discovery in its native format, which was bates labeled TIME_RCO_0027949.xls.

3. Included in the [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. Likewise, included in the [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Supposedly “Unknown” Third Party Subscription Methods

5. In its Opposition to Plaintiff’s Motion for Class Certification (the “Opposition” or “Opp.”), Time states that “[i]n many instances . . . Time will not be able to tell the particular method a person used to subscribe through a third

party.” (Opp. at 4.) In support of this statement, Time cites to paragraphs 7-10 of the Declaration of Karan Simoneau in Support of Time’s Opposition to Plaintiff’s Class Certification Motion. (Dkt. 98.) Those paragraphs, in turn, reference four instances where Time purportedly cannot identify the specific method a person used to subscribe to either TIME, Real Simple, or Fortune magazines through a third party.

6. Paragraphs 7-10 of Ms. Simoneau’s Declaration reference factual material from the following documents:

a. Exhibit D to the Landis Declaration (produced by Time at Bates No. Time_RCO0031568.xls), which is an Excel file that provides details about [REDACTED]

b. Exhibit E to the Landis Declaration (produced by Time at Bates No. Time_RCO0031569.xls), which is an Excel file that provides details about [REDACTED]

c. Exhibit F to the Landis Declaration (produced by Time at Bates No. Time_RCO0031567.xls), which is an Excel file that provides details about [REDACTED]

7. As described *infra*, ¶¶ 8-16, Exhibits D, E, and F show: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Supposedly “Unknown” TIME Third Party Subscriptions

8. [REDACTED] Exhibit E to the Landis Declaration contains [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED] Paragraph 8 of Ms. Simoneau’s Declaration references a
program/promotion called [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Paragraph 11 of Ms. Simoneau's Declaration references third party

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Supposedly "Unknown" Real Simple Third Party Subscriptions

11. Exhibit D to the Landis Declaration contains [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12. Paragraph 8 of Ms. Simoneau's Declaration references a
program/promotion called [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. Paragraph 11 of Ms. Simoneau's Declaration references third party

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Supposedly "Unknown" Fortune Third Party Subscriptions

14. Exhibit F to the Landis Declaration contains [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. Paragraph 10 of Ms. Simoneau's Declaration references third party

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Total "Unknown" Subscription Figures

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of April, 2015 at Chicago, Illinois.

/s/ Ari J. Scharg